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9 ATTORNEYS FOR PLAINTIFF

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 EQUAL EMPLOYMENT OPPORTUNITY
13 COMMISSION

CIVIL ACTION NO. CV-09-303-RHW

14 Plaintiff,

[PROPOSED] CONSENT DECREE

15 and

16 ANDREA RAMALES,

17 Plaintiff Intervenor,

18 v.

19
20 LA PIANITA, LLC, dba FRENCHMAN
HILLS VINEYARD, LLC.,

21 Defendant.

22
23 I. INTRODUCTION

24 1. This action originated with a discrimination charge filed by Andrea
25 Rames (‐Ramales‐) with the U.S. Equal Employment Opportunity Commission

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EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Seattle Field Office
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone: (206) 220-6883
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1 ("EEOC") in Seattle, Washington on June 26, 2008. Ramales alleged that La Pianta
 2 LLC dba Frenchman Hills Vineyard LLC ("Frenchman Hills") subjected her to
 3 harassment because of her sex and forced her to constructively discharge in violation of
 4 Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e et
 5 seq.

6 2. The EEOC sent Frenchman Hills a Letter of Determination with a finding
 7 of reasonable cause that it had violated Title VII dated February 20, 2009 based on
 8 Ramales's charge of discrimination.
 9

10 3. The EEOC filed this lawsuit on September 31, 2009, in the United States
 11 District Court for the Eastern District of Washington on behalf of Ramales, alleging that
 12 from at least May 3, 2008 through May 17, 2008, Frenchman Hills subjected Ramales to
 13 harassment because of sex and forced her to constructively discharge.
 14

15 4. The parties want to conclude fully and finally all claims arising out of the
 16 EEOC's complaint and the charge of discrimination filed with EEOC by Ramales. They
 17 enter into this Consent Decree to further the objectives of equal employment as set forth
 18 in Title VII.

19 **II. NONADMISSION OF LIABILITY AND NONDETERMINATION**
 20 **BY THE COURT**

21 5. This Consent Decree is not an adjudication or finding on the merits of this
 22 case and shall not be construed as an admission by Frenchman Hills of a violation of
 23 Title VII. Frenchman Hills expressly denies any wrongdoing or liability.
 24
 25

III. JURISDICTION AND VENUE

6. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a. The employment practices alleged to be unlawful in the EEOC's complaint filed herein occurred within the jurisdiction of the United States District Court for the Eastern District of Washington.

IV. SETTLEMENT SCOPE

7. This Consent Decree is the final and complete resolution of all Title VII allegations of unlawful employment practices contained in the complaint the EEOC filed on behalf of Ramales, including all claims by the parties for attorney fees and costs and is binding and final as to all such issues and claims.

V. MONETARY RELIEF

8. In settlement of this lawsuit, Frenchman Hills agrees to pay Andrea Ramales \$33,000 less required withholdings and deductions on the amount of \$500 (representing lost wages), thereby resolving all claims for damages, fees, and costs sought through the EEOC's complaint. Payment is to be made in the name of Andrea Ramales and forwarded directly to her counsel, Blanca Rodriguez, Northwest Justice Project by certified mail, within ten days of the date the court enters this consent decree.

VI. INJUNCTIVE AND OTHER RELIEF

A. General Provisions

1 9. Frenchman Hills, its officers, agents, managers, assistant managers and
2 other supervisors and all human resource professionals who provide advice and
3 assistance to the foregoing individuals are enjoined from engaging in practices which
4 constitute harassment based on an employee's sex, and which constitute retaliation for
5 an individual engaging in protected EEO activity. In recognition of its obligations under
6 Title VII, Frenchman Hills will institute the policies and practices set forth.

7 B. Anti-Discrimination Policies and Procedures

8
9 10. Frenchman Hills shall prevent harassment, discrimination, and retaliation.
10 Frenchman Hills shall provide training to its employees, managers, and supervisors so
11 they understand its Equal Employment Opportunity ("EEO") policies and how those
12 policies define and identify what constitutes harassment, discrimination and retaliation,
13 and shall make managers and supervisors personally accountable for its EEO policies.

14 11. Within ninety (90) days of the date of the effective date of this Consent
15 Decree, Frenchman Hills shall: (a) institute an EEO policy which adequately prohibits
16 harassment, discrimination, and retaliation, addresses Frenchman Hills's obligation to
17 provide a work environment free of harassment, discrimination, and retaliation for its
18 employees, and affirms its commitment not to retaliate against any employee for
19 engaging in protected EEO activity; and (b) distribute its EEO policy to all present and
20 future employees, both management and non-management.

21
22 C. Training

23
24 12. Within 120 days of the date of entry of this Consent Decree, Frenchman
25 Hills shall provide to all managers, assistant managers, and supervisors, no less than

four (4) hours of face-to-face training by a qualified trainer on harassment, employment discrimination, and retaliation for engaging in protected EEO activity.

Annually thereafter for the life of this Consent Decree, Frenchman Hills shall require: (1) all managers, assistant managers and supervisors to complete four (4) hours of face-to-face training by a qualified trainer on harassment, employment discrimination and retaliation.

D. Expungement of Records and Neutral Employment Reference

13. Frenchman Hills shall not disclose any information or make reference to any charge of discrimination that is the subject of the lawsuit or this lawsuit in responding to employment reference requests for information about Ramales.

14. Frenchman Hills shall expunge from the personnel file of Ramales any reference to her charge of discrimination against Frenchman Hills and this lawsuit. If Ramales wishes to do so, Frenchman Hills shall permit her to review her personnel file to ensure that all such references have been expunged. Frenchman Hills shall not add any information or references to her personnel file regarding this charge of discrimination and this lawsuit after such references have been expunged. Frenchman Hills will provide Ramales with a neutral employment reference.

E. Policies Designed to Promote Supervisor Accountability

15. Frenchman Hills shall specifically advise all managers and supervisors at all of its facilities of their duty to ensure compliance with its EEO policies, and to report any incident or complaint of harassment, discrimination, or retaliation, of which they become aware. If such a manager or supervisor violates Frenchman Hills's EEO

1 policies, he or she may be subject to discipline up to and including termination and
 2 compensation may be affected. Frenchman Hills shall appropriately discipline any such
 3 manager and supervisor who retaliate against any employee for reporting or relaying
 4 any incident of discrimination or retaliation under Frenchman Hills's EEO policy, or for
 5 participating in or conducting an investigation of such an incident.

6 16. Frenchman Hills shall include "commitment to equal employment
 7 opportunity" or similar designation as a criterion for qualification for evaluation of
 8 supervisory positions.
 9

10 F. Reporting

11 17. Frenchman Hills shall report in writing to the EEOC beginning six (6)
 12 months from the date of the entry of this decree, and thereafter every six months for the
 13 duration of the decree the following information:

14 a. Certification of the completion of training and list of attendees set forth in
 15 Paragraph 12 above, and a list of all attendees including job titles.
 16

17 b. Certification that its EEO policy has been sent to all current and newly
 18 hired employees as described in Paragraph 11 above.

19 c. A copy of its EEO policy and a list of any changes, modifications,
 20 revocations or revisions to its EEO policies and procedures if any, which concern or
 21 affect the subject of discrimination and retaliation; and
 22

23 d. A summary of all internal harassment, discrimination and retaliation
 24 complaints if any, filed by employees, identified by name, and the resolution of each
 25 complaint.

G. Posting

18. Frenchman Hills shall post a Notice, attached as Exhibit A to this Consent Decree. The Notice shall be posted on a centrally located bulletin board at Frenchman Hills's facilities for the duration of the Consent Decree.

VI. ENFORCEMENT

19. If the EEOC determines that Frenchman Hills has not complied with the terms of this Decree, the EEOC will provide written notification of the alleged breach. The EEOC will not petition the Court for enforcement of the decree for at least twenty (20) days after providing written notification of the alleged breach. The 20-day period following the written notice shall be used by the parties for good faith efforts to resolve the dispute, or for Frenchman Hills to cure the breach. In those cases where it would take longer than twenty (20) days to cure the breach, Frenchman Hills may have such additional time as may be necessary by agreement with the EEOC so long as Frenchman Hills takes all reasonable efforts to cure the breach within the twenty (20) day period.

VIII. RETENTION OF JURISDICTION

20. The United States District Court for the Eastern District of Washington shall retain jurisdiction over this matter for the duration of the decree.

IX. DURATION AND TERMINATION

21. This Decree shall be effect for three (3) years from the date the Court enters this Decree. If the EEOC petitions the Court for breach of the Decree, and the

1 Court finds Frenchman Hills to be in violation of the terms of the Decree, the Court may
2 extend the duration of the Decree.

3 X. CONCLUSION

4 22. The parties are not bound by any provision of this decree until it is signed
5 by authorized representatives of each party and is entered by the Court.

6
7 Dated this 12th day of October, 2010.

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20 BY: /s/ William Tamayo
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BY: _____

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1 Court finds Frenchman Hills to be in violation of the terms of the Decree, the Court may
2 extend the duration of the Decree.

3 X. CONCLUSION

4 22. The parties are not bound by any provision of this decree until it is signed
5 by authorized representatives of each party and is entered by the Court.

6
7 Dated this ____ day of September, 2010.

8 WILLIAM TAMAYO
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NOTICE TO EMPLOYEES

This notice is posted pursuant to the settlement of a lawsuit: *EEOC v. La Pianta, LLC dba Frenchman Hills Vineyard, LLC. CV-09-303 RHW*, ("Frenchman Hills Vineyard"). In accordance with the Consent Decree, Frenchman Hills Vineyard will provide anti-discrimination training to all supervisors and management at its Othello, Washington farm; provide its EEO policy to all employees at that site; implement policies at this site to ensure supervisor accountability with regard to anti-discrimination practices; and report to the EEOC all complaints of sexual harassment or retaliation it receives from Frenchman Hills Vineyard employees for the next 3 years.

Federal law prohibits an employer from discriminating against any individual based on the individual's sex with respect to hiring, promotion, demotion, terms and conditions of employment, and/or termination. Federal law also prohibits an employer from allowing any employee to be harassed because of sex. It is also unlawful for an employer to retaliate against any individual because he or she complains of discrimination or harassment, cooperates with the investigation of a discrimination or harassment charge by Frenchman Hills Vineyard or a government agency, participates as a witness or potential witness in any investigation or legal proceeding, or otherwise exercises his or her rights under the law.

Any employee who is found to have retaliated against any other employee because such employee participated in this lawsuit will be subject to substantial discipline, up to and including immediate discharge.

Should you have any complaints of discrimination, you should contact your supervisor, any upper level management individual or Human Resources.

Employees have the right to bring complaints of discrimination, sexual harassment and/or retaliation to the U.S. Equal Employment Opportunity Commission, Seattle Field Office at 909 1st Avenue, Suite 400, Seattle, WA 98104-1061, 206/220-6885, and-1-800-699-4000. Any Frenchman Hills Vineyard employee or applicant may also contact Human Resources at _____.

This notice shall remain prominently posted in English and Spanish at Frenchman Hills Vineyard in Othello, Washington until _____, 2013, the duration of the Consent Decree referred to above. This official Notice shall not be altered, defaced, covered or obstructed by any other material.